

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA)
VS.) CRIMINAL NO.: 1:12-CR-00210(3)-SS
JOSE TREVINO-MORALES)

UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE UNITED STATES DISTRICT JUDGE SAM SPARKS:

COMES NOW, Defendant, JOSE TREVINO-MORALES, in the above-styled and numbered cause, by and through his attorney of record, David Finn, and hereby respectfully request the Court to continue the trial date in this matter. In support, Defendant would show the following:

I.

Mr. Jose Trevino-Morales is scheduled for trial on October 22, 2012. Currently, Mr. Trevino- Morales remains in the custody of the U.S. Marshal Service.

II.

On August 2, 2012 the U.S. Attorney's Office provided several disks containing discovery *and* additional discovery will be forthcoming. The disks received thus far are in an unsearchable format. And, at this time, undersigned counsel is uncertain the exact date he will be able to review the disks.

Additionally, undersigned counsel is preparing for a trial scheduled to begin on September 10, 2012, in the matter styled, ***United States of America vs. Gilbert Lopez***, (Stanford Financial matter), cause number: 4:09-CR-342, Southern District of

Texas, Honorable Judge David Hittner presiding. Undersigned counsel represents co-defendant in that matter, James Milton Davis.

Defendant Trevino-Morales is seeking at least a two-month continuance of the trial date.

At the time of the filing of this motion co-defendant's attorneys, Dan Wannamaker, Guy Womack and Frank Rubino advised they are not opposed to the request for a continuance of the October 22nd trial date. Mr. Clint Broden advised he is unopposed as well, however, he would oppose any date scheduled after February 1, 2013, as his wife is due to deliver their baby on March 15, 2013.

WHEREFORE PREMISES CONSIDERED, Defendant prays the court grant the continuance of the October 22, 2012 trial date.

Respectfully submitted,

____/s/ David Finn _____
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Attorney for Defendant

CERTIFICATE OF CONFERENCE

I, David Finn, hereby certify I conferred with Assistant United States Attorney Douglas Gardner, concerning the merits of the foregoing Motion to Continue Trial Date and Mr. Gardner advised he is unopposed to the request for continuance.

/s/ David Finn
DAVID FINN

CERTIFICATE OF SERVICE

I, David Finn, hereby certify a true and correct copy of the foregoing Motion for Continue Trial Date was forwarded to the U.S. Attorney's Office, on this the 10th day of August via ECF.

_/_s/ David Finn ____
DAVID FINN

